

**CHARTER REVIEW COMMISSION**  
**Wednesday, October 15, 2008**  
**6th Floor Conference Room**  
**Council Office Building**

**Commission Members Present:**

Nancy Soreng, Chair  
Alice Gresham Bullock, Vice-Chair  
Karen Czapanskiy  
Wilbur Friedman  
Mollie Habermeier  
Robert Shoenberg  
Judith Vandegriff  
Charles Wolff

**Staff:**

Justina Ferber, Legislative Analyst  
Marie Jean-Paul, County Council Staff  
Leon Rodriquez, County Attorney

**Commission Members Absent:**

Michael Cogan  
Anne Marie Vassallo

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Commission Chair Nancy Soreng began the meeting at 8:05 a.m. Ms. Soreng welcomed Leon Rodriquez, County Attorney to the meeting, in the absence of Marc Hansen who is on leave.

**Discussion of Issues and Public Hearing Testimony**

Inspector General

Commissioners discussed public hearing testimony received on the appointment of the Inspector General and noted that the testimony by several speakers was in favor of the current process of appointment. Chairman Soreng distributed a list of questions for discussion.

**Considerations for determining whether to change the appointment process for the Inspector General of Montgomery County --**

- 1) Does the current process provide sufficient independence for the IG to conduct his job according to accepted standards?
- 2) Does the current process produce usable results that are in line with the mission of the role?
- 3) Does the current process allow the office of IG to perform a function that is unique to that office and therefore is not duplicative of other County offices?
- 4) Does the current process allow sufficient access to records, personnel and other relevant sources of information for the IG to conduct the responsibilities of the office?

- 5) Does the current process have the support of the County Council?
- 6) Does the current process have the support of the County Executive?
- 7) Does the current process have the support of the Inspector General?
- 8) Does the current process have the support of the general public?
- 9) Other?

If we have sufficient information to determine that the answer to any of these questions is “no”, how will changing the appointment process in the Charter improve the situation? How would a change impact the answer to the other questions? What new considerations could arise?

Commissioners agreed that most questions could be answered yes except No. 4 and perhaps No. 6 since the Executive requested that the IG appointment process be studied by the Commission. Question No. 4 regarding access to records cannot be addressed by a Charter change, but could be addressed by a change in state law or policy.

The subcommittee that is assigned to the Inspector General issue interviewed staff of the Office of Legislative Oversight and the Inspector General. They found that the offices work together to avoid any conflict of interest or duplication of effort. The IG believes that a change in the appointment process would not necessarily improve any effect of the current funding process on the independence of the IG.

Some Commissioners felt that if the IG were appointed by the Executive that the Executive could reduce or limit funding to the IG office if the he were not happy with the IG.

Ms. Habermeier moved and Mr. Wolff seconded that the Commission decide not to recommend a Charter change for the appointment of the Inspector General. The motion passed unanimously. The Commission will revisit the issue again prior to publication of its 2010 report.

### Special Taxing areas

Chairman Soreng distributed a list of questions for consideration of the Special Taxing Districts issue.

### **Considerations for determining whether Special Taxing Districts should be excluded from the Charter’s limit on growth of property tax revenue --**

- 1) How much more revenue could the county have raised within the Charter Limit that could be used towards the broad, general good of county residents if Special Taxing Districts were excluded from calculating the limit under the proposal by Glenn Orlin, and the proposal by the CRC subcommittee during the current FY?

- 2) How much revenue is currently being generated by Development Districts which are excluded from the Charter limit?
- 3) Who is involved in the proposition of, discussion of, and approval of Special Taxing District?
- 4) Have there been instances where Council has hesitated to approve Special Taxing Districts because of the impact on the Charter limit?
- 5) What is the interface or where is the balance between Special Taxing Districts, Development Districts and Impact fees, and who will be monitoring this?
- 6) According to the report from the CRC subcommittee, Planning Board Staff will be developing principles for the use of Special Taxing districts. These may include differentiation between commercial and residential property. Would such principles have an impact on our recommendation?
- 7) Other?

It was unclear how Special Taxing Districts are formed, how much they affect the budget, how much of a role Park and Planning plays and what role municipalities play. County Attorney Rodriguez offered to have one of the county attorneys brief the Commission on the issues related to Special Taxing Districts at the November 12 Commission meeting. Commissioners recommended that a glossary of terms would also be helpful.

A letter was sent to municipal leaders concerning the Special Taxing Districts issue but none have responded.

#### Public Forum

A request was made at the public forum for the Commission to recommend an alignment of Council Districts, School Board Districts and Regional Service Center Districts so they have the same geographic boundaries. It was agreed that this was not a Charter amendment issue.

Several requests were made to increase the number of Council districts. Commissioners agreed to discuss this issue at the December meeting.

#### **Administrative items**

The minutes of September 10 and October 6, 2008 were approved

Commissioners inquired about the appointment to fill the vacant seat of Diane Felton. The Executive's office has indicated that they are still working to fill the vacancy.

The meeting was adjourned at 9:25 a.m.